

**CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT**

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FINAL VERBATIM RECORD OF THE THREE HUNDRED AND SIXTY-THIRD MEETING

held at the Palais des Nations, Geneva,
on Thursday, 8 February 1968, at 10.30 a.m.

Chairman:

Mr. A. ZELLEKE

(Ethiopia)

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PRESENT AT THE TABLE

Brazil:

Mr. J.A. de ARAUJO CASTRO
Mr. C.A. de SOUZA e SILVA
Mr. E. MOREIRA HOSANNAH
Mr. A. da COSTA GUIMARAES

Bulgaria:

Mr. K. CHRISTOV
Mr. B. KONSTANTINOV

Burma:

U KYAW MIN

Canada:

Mr. E.L.M. BURNS
Mr. A.G. CAMPBELL
Mr. J.R. MORDEN
Mr. A. BERNIER

Czechoslovakia:

Mr. V. VAJNAR
Mr. K. STRASIK

Ethiopia:

Mr. A. ZELLEKE
Mr. B. ASSFAW

India:

Mr. N. KRISHNAN
Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO
Mr. G.P. TOZZOLI
Mr. E. FRANCO
Mr. F. SORO

Mexico:

Mr. A. GOMEZ ROBLEDO
Mr. A. CARRANCO AVILA

Nigeria:

Mr. B.O. TONWE

Poland:

Mr. M. BLUSZTAJN
Mr. E. STANIEWSKI
Mr. S. DABROWA

Romania:

Mr. N. ECOBESCO
Mr. O. IONESCO
Mr. C. GEORGESCO
Mr. A. COROIANU

Sweden:

Mrs. A. MYRDAL
Mr. A. EDELSTAM
Mr. R. BOMAN
Mr. J. PRAWITZ

Union of Soviet Socialist
Republics:

Mr. O.A. GRINEVSKY
Mr. V.V. SHUSTOV
Mr. V.B. TOULINOV

United Arab Republic:

Mr. H. KHALLAF
Mr. O. SIRRY
Mr. M. SHAKER

United Kingdom:

Mr. I.F. PORTER
Mr. R.I.T. CROMARTIE

United States of America:

Mr. S. DePALMA
Mr. L.D. WEILER
Mr. C.G. BREAM
Mr. A.F. NEIDLE

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative of the
Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Ethiopia): I declare open the 363rd plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Mrs. MYRDAL (Sweden): The Swedish delegation wishes to associate itself with the previous speakers in this Committee, who have all hailed the presentation by the co-Chairmen of identical revised texts of a complete draft non-proliferation treaty (ENDC/192/Rev.1, 193/Rev.1) with expressions of relief and satisfaction. We are also deeply conscious of the fact that this agreement between the co-Chairmen has been arrived at only after long and difficult negotiations and that it rests on a delicate balance between different parts of the draft treaty text. Under these circumstances it must be considered imperative that proposals for formal changes in it which other delegations may feel compelled to put forward be few and well co-ordinated with the rest of the treaty text.
3. Another important consideration influencing the character of our statements in this Committee is the knowledge that we are still at a stage where we are negotiating on the best possible formulation of a treaty draft. The final position of our Governments with regard to the treaty as such belongs to a later stage. That was clearly indicated by the representative of the United States when he presented the revised draft treaty. Mr. Fisher said:

"As was the situation in the case of the initial draft treaty presented in August, the revised treaty draft is a recommendation for discussion and negotiation in this Committee and for the consideration of all governments." (ENDC/PV.357, para.43)

Mr. Fisher went on to say:

"... we could not, of course, expect governments to be committed to this draft at this point, since we shall all want to discuss this draft in the session of this Committee which lies ahead". (ibid., para.44)

4. Guided by these considerations, my delegation has during the past few weeks been studying with the utmost care the revised treaty draft. We recognize that the co-Chairmen have come a considerable way by taking into account some of the well-argued and well-justified suggestions for changes in or amendments to their earlier texts, presented during the Committee's last session by several of the delegations around this table. On other points the co-Chairmen have apparently on their own found reasons to suggest changes. Finally, they have presented to us, for the

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first time, a proposal for the wording of a draft article III dealing with the control arrangements.

5. In several respects we are therefore faced with a much better basis for our deliberations now than last autumn. Mindful as we are of the need for self-discipline on the part of delegations and of the waste of time entailed in suggesting changes which we understand are doomed to be unacceptable, the Swedish delegation still finds that the revised text could greatly benefit from some further improvements on a few chosen points. On other points we must ask the authors of the draft for some clarifications, hoping that the answers will alleviate some if not all of our preoccupations.

6. In order not to tax the patience of the Committee with too long a speech, I intend in my presentation today to deal only with those amendments which refer to general problems of the treaty structure; I also wish to raise some questions relating to article III, on the controls. Next week I wish to deal with some remaining points clustered around the very important desideratum of a systematic coherence, both substantially and constitutionally, between that partial nuclear disarmament measure which is now being discussed -- the non-proliferation treaty -- and those which are to be covered by ensuing treaties or are already covered by existing ones -- above all, the Moscow Treaty on a partial test ban (ENDC/100/Rev.1).

7. None of the few formalized suggestions for changes in the text presented today in document ENDC/215 or the few others to follow do, I think, interfere with any of the basic regulations contained in the present draft. On one or two points they rather emphasize the main principles. All together they should strengthen the treaty text, both in its acceptability and in its durability.

8. The one preoccupation overshadowing in importance all other ones, as so many speakers both here and in the United Nations have reiterated, is of course the one which can most simply be embodied in the question: Where do we go from here? How certain can we be that effective measures to stop the nuclear arms race, now escalating in a fearful spiral, will really be undertaken at an early date? How can we -- the non-nuclear-weapon States -- be expected to enter into an interminable obligation to remain non-nuclear if the nuclear-weapon States are engaged in an interminable nuclear escalation? This question is really not one, as has sometimes been said rather reproachfully, of seeking any quid pro quo. It is a question of the whole atmosphere, of perspective; and it cannot be concealed that the atmosphere of confidence was greater two years ago than it is today.

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9. It should be fully understood that the purpose of the Swedish initiative is not to stall our work in this Committee, not to counteract the endeavours to reach a ban on the spread of nuclear weapons, which we find desirable per se, but, on the one hand, as I have said, to assist in improving the present treaty text as much as possible, and on the other hand to work relentlessly for those further agreements which would ensure nuclear disarmament.

10. The present text does represent an improvement on the earlier one. Other representatives have already before me expressed their satisfaction with the inclusion in the new draft treaty text of an article, number VI, dealing specifically with the need --

"... to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control".

If, however, we compare that wording with the proposals made on this very matter last year by Mexico (ENDC/196), Romania (ENDC/199) and Brazil (ENDC/201), with the support of other delegations, both non-aligned and others, we must recognize that the obligations incumbent on the nuclear-weapon States are considerably weaker in the present draft. From the Mexican proposal (article IV-C) has been deleted the notion that the negotiations shall be pursued "with all speed and perseverance" and, further, the clear undertaking "to arrive at further agreements". Finally, the reference in the Mexican proposal to "the prohibition of all nuclear-weapon tests" has been omitted. A similar weakening of the text can easily be noted if one compares the present wording with the proposals made by Romania and Brazil.

11. Despite the fact that what corresponds to my Government's position would indicate the need for a much stronger commitment on the part of the nuclear-weapon Powers that they should proceed without further delay to steps of effective nuclear disarmament, I am mindful of the difficulties involved. As has been stated, it would hardly be feasible in legal terms to enter into obligations to arrive at agreements. Further, to enumerate some specific measures might be counterproductive, as agreements on certain other scores may come to present opportunities for earlier implementation.

12. For those reasons the Swedish delegation today will restrict to two its suggested amendments to article VI, both being of such a nature that they are not expected to create any difficulties in regard to the substance. We simply propose the inclusion of the words "at an early date", thus introducing once more the sense of

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urgency which we all feel presses for further measures to halt the nuclear arms race. We also propose, for the sake of making clear the main goal of these negotiations, the insertion of the word "nuclear" before the word "disarmament".

13. If one is to be able to keep the amendment of article VI to such very modest dimensions, it practically presupposes some strengthening of the preamble. In the present wording of the preamble there are three paragraphs -- the last ones -- which deal with further disarmament measures. Even if it can be surmised that the comprehensive test ban is one of the measures implicit in the reference to "the cessation of the nuclear arms race", we urge that this important measure of disarmament be spelt out specifically somewhere in the treaty. This is all the more justified as we can rest this particular case on a previously-accepted commitment. As I said in my intervention on the non-proliferation issue on 3 October last year, the preamble would give a much greater emphasis to the need for an uninterrupted sequence in the disarmament negotiations, and to their urgency, if a new paragraph were introduced in connexion with the declaration of intent on cessation of the nuclear arms race (ENDC/PV.335, para.25). It is sufficient to remind the parties of the pledge made in the preamble to the partial test-ban Treaty: that is, to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to that end. An amendment to that effect will be found in document ENDC/215.

14. I now turn to article VIII. We have found the new version of paragraph 2 of that article to be an improvement on the earlier text, even if it must be recognized that amendments to the treaty, when it is once finalized and brought into effect, will indeed be very difficult to obtain. A certain easing of a very tight situation could be achieved by offering an opportunity to review the situation, not only once after five years, but periodically, in order that the parties may be able to assure themselves "that the purposes and provisions of the Treaty are being realized".

15. With regard to paragraph 3 of article VIII, dealing with review, it will be noted from our document ENDC/215 that we suggest a simple addition to the present text to the effect that a majority of the parties to the treaty may decide that further such conferences shall be convened at intervals of five years.

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16. In this connexion I wish to support very strongly the amendment to this paragraph put forward once again by the United Kingdom delegation on 23 January. The representative of the United Kingdom, Mr. Mulley, then upheld the view he had earlier expressed in a formal amendment (ENDC/203) to the effect that not only the purposes and provisions of the treaty but also the purposes of the preamble should be reviewed after five years (ENDC/PV.358, para.26).
17. An open question remains: namely, what action is supposed to follow if the verdict of a review turns out to be "unsatisfactory"? It would seem reasonable that, if it is manifest at a review conference that the intentions of the treaty to achieve cessation of the nuclear arms race and to obtain nuclear disarmament have in reality been blatantly disregarded, parties to the treaty may come to regard this as an extraordinary event jeopardizing their own supreme interests, as mentioned in paragraph 1 of article X.
18. With those last few words I have already turned the corner from specific amendments to a set of questions on which, I am certain, most delegations are eager to obtain clarification. The majority of my queries, and the most technical of them, refer to article III, on that crucial matter of controls. My delegation has certainly noted with satisfaction that the co-Chairmen have finally been able to agree on a common proposal in this central sector. We especially appreciate that the International Atomic Energy Agency (IAEA) has been given the over-all responsibility for all treaty verification, while at the same time provisions are foreseen that would enable the utilization of the experience and the organizational arrangements of other international safeguard machinery. We trust that this compromise will be made watertight and tenable. That would give all safeguard activities the necessary credibility and would also remove from the safeguard field a large element of the commercial discrimination which exists today.
19. With our sense of satisfaction, however, is mingled a sincere disappointment that some important aspects of the control article proposed by my delegation in August 1967 (ENDC/195) have not been accepted by the co-Chairmen. Two basic principles of great importance which were embodied in our proposal have not been retained. They both concern the question of mutual obligations on the part of both nuclear-weapon and non-nuclear-weapon States. I will deal with both of them briefly in order to demonstrate what the non-nuclear-weapon States have lost in the process of agreement between the two leading nuclear-weapon States.

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20. The Swedish proposal did not establish a full sharing of obligations. We maintained that, as long as nuclear activities for non-peaceful purposes were not forbidden, only the non-nuclear-weapon States could be obliged, under our formula as well as under the proposal of the co-Chairmen, to accept IAEA safeguards on all their nuclear energy activities. That is sheer logic. According to our text the nuclear-weapon States were, however, to undertake to co-operate in facilitating the gradual application of IAEA safeguards also to their own peaceful nuclear energy activities. In a highly-generalized form such a pledge is now to be found in the fifth preambular paragraph of the draft text, where it is said that the parties undertake "to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities". We should, of course, have much preferred to have this undertaking included in the control article itself and with a specific reference to the nuclear-weapon States.

21. We have duly registered as two major steps forward the unilateral undertakings made last December by the Governments of the United States and the United Kingdom (ENDC/206, 207), which in fact will vastly increase the amount of nuclear activities under safeguards and undoubtedly facilitate considerably international trade in the nuclear field. The question remains: how complete will be the coverage of this pledge voluntarily to place nuclear activities under international safeguards in the countries mentioned and in other nuclear-weapon States? A similar pledge on the part of the Government of the third nuclear-weapon country present in this Committee, the Soviet Union, would naturally be of immense value as a proof of the sincere willingness of all States to apply international safeguards to their peaceful nuclear activities and to wipe out this quite unnecessary lack of equal treatment in regard to controls.

22. The Swedish proposal further contained a rule according to which no transfers of source or special fissionable material to any other State could take place unless the material were subject to IAEA safeguards. Such a clause would have a definite disarmament effect, as imports into nuclear-weapon States of fissionable material for weapon purposes would be forbidden.

23. That ambition to increase the non-discriminatory element in the treatment between the two categories of States has not been shared by the co-Chairmen. Their draft article III contains no conditions on the export to the nuclear-weapon States of fissionable material, equipment and so on for their military or peaceful nuclear programmes. We maintain that that is a serious limitation in the scope of the treaty;

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in fact it is a loop-hole by which non-nuclear-weapon States may, without even knowing it themselves, be aiding a military nuclear programme. We might even pose the question whether the treaty language of paragraph 1 of article III, which requires controls to follow all nuclear activities of non-nuclear-weapon States, does not allow an interpretation -- at least as far as intentions are concerned -- that to such activities belong also exports; that is, that material once controlled should never be diverted "from peaceful uses to nuclear weapons" in one's own or another country.

24. In real life the situation is somewhat more hopeful, because the supply policy of several States, including Sweden, already serves to some extent to close the loop-hole; it might be extended to do so completely by a policy requesting exclusively peaceful use and control as a condition for supply to nuclear-weapon States also. There are strong reasons for the suppliers to continue such a policy. It can easily be done by resorting to provisions for what is called a "continuation of safeguards", in accordance with paragraph 16 of the IAEA safeguards system of 1965 (INFCIRC/66), and by including such provisions in the agreements which are to be concluded between IAEA and the non-nuclear-weapon States signatories to the treaty.

25. We very much regret that it turned out to be impossible to include in the draft article III a formalization of such supply policies, already established by several States. However, lacking such a provision, we think it will be of fundamental importance for States which recognize the necessity of continuing those policies in the interest of disarmament to keep in informal contact with each other in order to standardize their policies and to remove any possible fear that safeguards will be commercially negotiable; because if that could happen the whole scheme would quickly degenerate. The draft article III before us, in combination with the unilateral undertakings by nuclear-weapon States and with an informal "code of ethics" observed by all supplier nations -- which are presumably unwilling to be connected with a nuclear-weapon production programme through any generation of special fissionable material originating from them -- would, but only under those conditions, come rather close to what we intended to achieve by our previously-proposed wording of the control article.

26. Let me raise a final query in regard to article III. The time-table suggested in paragraph 4, seen together with the rules for the entering into force of the treaty

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contained in paragraph 3 of article IX, causes rather serious anxiety. It is obvious that a considerable time will pass before the safeguards system will become universally applicable. Is there not a definite risk in the fact that during an interval which may extend to several years some countries may be subject to control and others not? All the present apprehensions, both political and commercial in nature, will persist for that period.

27. Furthermore, there seems to be a hiatus between paragraphs 2 and 4 in article III. According to paragraph 2, no source or special fissionable material or special equipment may be provided to non-nuclear-weapon States unless the IAEA safeguards are applied. Thus, for part or for the whole of the interim period when these new agreements are being negotiated, a general standstill in the transfers of such material must be feared. A clarification on that point by the co-Chairmen would be most welcome.

28. The discrepancy in the timing between the entering into force of the treaty as such and the entering into force of control arrangements may entail a further risk. We must all realize how attentively some States will, and must, follow what control rules are going to be applied to certain other States. Is there not a risk that that may cause a retardation of the decisive act of ratification -- too many States watching the actions of others? At least we should from this very moment encourage States to enter immediately into the preliminary negotiations with IAEA, so that the finally-ensuing patterns of control can be clearly discernible as early as possible.

29. I have a final question referring to article IX, where we, as probably many other delegations, are quite concerned about how its regulations will work out in practice. According to the present wording, the treaty shall enter into force after its ratification by all nuclear-weapon States signatories to the treaty and by forty other States, likewise signatories to the treaty. This formula does not, however, take into account the special importance which some prospective parties to the treaty may attach to the more or less simultaneous adherence by another State or several other States. Regional preoccupations may come to play an important role in this process of decision-making, as well as fears of uneven commercial competition if some States adhere and some not, some under an inspection agreement already settled and some with that issue still open.

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30. The problem was touched upon by the Swiss Government in its thoughtful aide-mémoire to this Committee of 24 November 1967. There it was said:

"Switzerland could only be a party to the treaty if most of the Powers likely to possess nuclear weapons acceded to it. So long as that condition is not fulfilled, the treaty will contain a gap endangering the security of the small States on which it would be binding. Moreover, the non-accession of important industrial Powers might be economically prejudicial to the competitive capacity of the atomic industry of the signatory States" (ENDC/204, p.3).

The question that naturally poses itself is whether this problem could be taken care of by allowing a State to make a reservation in its instrument of ratification to the effect that the treaty shall not enter into force or remain in force for its part until and unless it enters into force and remains in force for another State or States, which will then have to be specified in the same document. The possibility of reservation would undoubtedly increase the speed of the ratification process in a number of countries of special importance as parties to the treaty. Speaking for my own country, I am sure my Government will look very carefully at the attitude of our more important neighbour countries as well as that of other industrial States, weighing this as one of the elements when deciding on its position in regard to the treaty as such.

31. In summing up, I have no hesitation in expressing on behalf of the Swedish delegation our appreciation of the great Powers' having achieved a remarkable result in agreeing on a complete treaty text for barring the spread of nuclear weapons to additional countries. Still, this is certainly only one, and a woefully short, step forward on the road to disarmament. History, and we who presently live in this epoch of history, cannot fail to note that simultaneously giant steps towards rearmament are being taken. Many upward turns of the nuclear armament spiral are occurring this very year. When and how shall we be able to place in true perspective the real impact on the one hand of the proposed non-proliferation treaty and on the other hand of the terrifying reality of nuclear escalation, symbolized by the modern shibboleths of ABM, FOBS, MIRV and probably still further horrors which we can as yet not even name?

32. Mr. de ARAUJO CASTRO (Brazil): Before delivering my prepared statement I wish to extend a warm welcome to Mrs. Myrdal, the representative of Sweden. We are happy that in this round of meetings we shall be able to count on her wisdom, experience and idealism in the consideration of the important matter under discussion. We have listened with the utmost attention and consideration to her statement of today and will comment at a very early opportunity on the very important points she has raised before this Committee. Today I will only say that we are particularly impressed by her very pertinent remark to the effect that we are in the negotiation stage and that therefore all members of this Committee have not only the right but also the duty, under the relevant United Nations resolutions, to present any suggestions they may find to be necessary or advisable.
33. I was also particularly interested by the questions raised by Mrs. Myrdal on article III and by her emphasis on the necessity of more definite commitments by the nuclear Powers; because this affects the all-important question of the acceptable balance of obligations between nuclear and non-nuclear nations. All these questions, as well as the important points raised at our last meeting by the representative of Romania (ENDC/PV.362), deserve the most attentive consideration. My delegation will also give thorough attention to the suggestions advanced in the working paper of the Swedish delegation (ENDC/215) which we have received today.
34. My delegation has given full and careful consideration to documents ENDC/192/Rev.1 and ENDC/193/Rev.1, containing identical texts of a draft treaty on non-proliferation of nuclear weapons, presented on 18 January by the representatives of the United States of America and the Union of Soviet Socialist Republics.
35. As the members of the Eighteen-Nation Committee on Disarmament are well aware, Brazil unequivocally supports the idea of a fair and equitable non-proliferation treaty that would effectively prevent the risk of the spread of nuclear weapons while encouraging the fullest use of nuclear energy, in all its forms, for the economic and social advancement of all peoples. Brazil has already evidenced its adherence to that ideal by signing and ratifying the Treaty of Tlatelolco (ENDC/186), which embodies that objective. The treaty we are now in the process of negotiating has to be conceived within the broad framework of measures aimed at securing "general and complete disarmament under effective international control", as contemplated in resolution 1722 (XVI) adopted by the General Assembly of the United Nations on 20 December 1961.

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36. My delegation, as well as many other delegations in this Committee, has repeatedly emphasized that in our present effort towards the negotiation of a non-proliferation treaty we are bound to observe the guiding principles set forth by General Assembly resolution 2028 (XX), which read as follows:

"(a) The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form;

"(b) The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers;

"(c) The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament;

"(d) There should be acceptable and workable provisions to ensure the effectiveness of the treaty;

"(e) Nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories" (ENDC/161)

37. It is thus perfectly obvious that any text or document presented to the Eighteen-Nation Committee on Disarmament should of necessity conform to those principles, which were adopted by the General Assembly by 93 votes to none, with 5 abstentions. Such principles are the expression of the views and desires of the international community; and before we agree on the text of a treaty on non-proliferation we ought to be satisfied that such a text is consistent with those principles, which should be the basic criteria guiding the consideration of the different documents placed before this Committee.

38. We appreciate the fact that the revised texts submitted by the delegations of the United States of America and the Union of Soviet Socialist Republics do provide a better basis for discussion and negotiation than did the previous document (ENDC/192,193); and we consider, moreover, that the mere fact that the super-Powers are in a position to reach an agreement on a major international issue is by itself a political event of great significance. We thank our co-Chairmen for the efforts they have made to reconcile the views of their respective nations and to meet some of the objections raised by members of this Committee. No matter how important and gratifying may be this understanding between the two super-Powers on a measure contributing to

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international peace and security, it is of course indispensable that it should not impair the scientific, technological and economic progress of other nations. If that condition is not met, any agreement, however laudable its intent and its purposes, will be neither effective nor lasting. Therefore we must now ascertain to what extent the changes introduced do preserve the fundamental interests and rights of the non-nuclear world.

39. As we have said, the task of the present round of meetings is, therefore, to ascertain whether the texts submitted conform to the principles laid down by resolution 2028 (XX). It is in the light of each one of those principles that we shall proceed with our analysis. Principle (a) states:

"The treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form".

Bearing in mind that basic principle, we should like to point out that the revised drafts contain no measure whatsoever aimed at preventing nuclear-weapon States from vertically proliferating, directly or indirectly, in spite of pertinent proposals submitted by some delegations in this Committee, notably by the delegation of India, and, what is still more cogent, in spite of the very words of the text we have just mentioned.

40. In addition, from a reading of the second part of article I we might gather that, although nuclear Powers are forbidden to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, they are left free to assist, encourage and induce nuclear-weapon States in such activities, now or in the future. Does that mean that some of the present nuclear-weapon Powers which have attained a higher degree of sophistication in the development of nuclear technology for warfare are entitled to transfer, now or in the future, such knowledge and techniques at will to any nuclear-weapon Power which has not yet attained such levels of sophistication, be they parties or not to the treaty? That is a very important point. For us that is the only valid interpretation of those sections of the draft, since the first part of article I of the draft treaty refers to "any recipient whatsoever", whereas mention is made later in the same article of "any non-nuclear-weapon State".

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41. We notice likewise that the first part of article I, which was left untouched in the revised draft in spite of relevant amendments proposed by some non-nuclear countries, including Brazil, goes far beyond the aforementioned principle (a) inasmuch as it includes nuclear explosive devices, even if they are meant for peaceful purposes -- a prohibition which was not contemplated by the General Assembly and is not required by the purposes of the treaty. A philosopher might say that peaceful explosions have suddenly become more dangerous than military explosions.

42. As far as loop-holes are concerned, we might visualize a rather improbable situation which could theoretically arise. Paragraph 3 of article IX states that the treaty "shall enter into force after its ratification by all nuclear weapon States signatory to this Treaty". It states further:

"For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967."

The United States of America, the USSR, the United Kingdom, France and mainland China are thus recognized and proclaimed as the only possible nuclear-weapon Powers to the end of time; for the draft treaty appears to be conceived under the sign of irreversibility. Now let us suppose, just for the sake of argument, that for political reasons one of those five countries were to sign the treaty and indefinitely delay its ratification. Would that mean that the treaty would never enter into force? I mention that rather improbable situation lest we forget, as we might easily do, that among those five nuclear-weapon countries there is one, mainland China, of whose peaceful sentiments we have every reason to be sceptical -- and the feeling of scepticism in that regard is, to the best of my knowledge, rather widespread in this conference room.

43. We now come to principle (b), which states:

"The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers".

According to the language of the proposed article III, while non-nuclear-weapon States are asked to accept a blank system of control yet to be formulated, the text does not include a commitment to the effect that the nuclear-weapon Powers will likewise be subject to some kind of control over their nuclear activities for non-military as well as military purposes, so that the gap in obligations might be

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narrowed. Moreover, according to the present wording of the proposed article III, nuclear-weapon Powers may receive source or special fissionable material originally intended for peaceful applications and not subject to control, and later legitimately use such material for weapon purposes.

44. It is precisely with the intention of narrowing that gap in the obligations that we have suggested -- and we are now insisting on -- an obligation upon the nuclear-weapon States to channel through a special United Nations fund for the benefit of the economic development of developing countries, in particular for their scientific and technological progress, a substantial part of the resources liberated by the measures of nuclear disarmament. We shall refer later to numerous other instances of marked absence of that minimum acceptable balance in the revised text. In that regard suffice it to say for the moment that, in the view of my delegation, the alleged balance in the drafts under consideration is clearly unacceptable.

45. Let us take principle (c), which states:

"The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament".

The provision embodied in article VI does not specifically refer to obligations by nuclear Powers as such; it envisages a commitment by "Each of the Parties to this Treaty ... to pursue negotiations in good faith". As a matter of record, "good faith" has always consistently been a normal assumption in the negotiations that have been carried on in this Committee.

46. Article VI sets forth three objectives for the negotiations which must be pursued by all parties to the treaty: first, the cessation of the nuclear arms race; second, disarmament; and third, a treaty on general and complete disarmament under strict and effective international control. There is no specific commitment on the part of the nuclear-weapon Powers to speedily negotiate measures for nuclear disarmament, unless we consider that those measures are to be part of a treaty on general and complete disarmament. Thus there is no priority assigned to the negotiation of measures for nuclear disarmament, as compared with measures for conventional-weapon disarmament. Nevertheless, there is no doubt that the real danger to the survival of mankind in organized society lies primarily in the existing and still mushrooming arsenals of nuclear weapons and the means of delivery of such weapons.

(Mr. de Araujo Castro, Brazil)

47. In that connexion, I wonder whether the wording of paragraph 2 of article X, relating to a minimum initial period of twenty-five years for the duration of the treaty, abandons the hope of achieving the goal of "general and complete disarmament under effective international control" set forth in resolution 1722 (XVI). How can a committee with a mandate to negotiate a treaty on general and complete disarmament endorse a provision based on the assumption -- or at least admission -- that nuclear-weapon arsenals may increase and proliferate for a minimum initial period of twenty-five years and that vertical proliferation may go on unchecked? Is that not a confession of failure on the part of the Eighteen-Nation Disarmament Committee? Is it not a premature and uncalled-for admission of the possibility that in 1993 the Eighteen-Nation Disarmament Committee, or another body in Geneva or in another city, will still be groping for an agreement on this vital issue of nuclear disarmament? What is more serious and important, has the Eighteen-Nation Disarmament Committee the right to lose hope or to confess that it has lost hope?

48. We shall consider now principle (d), which states:

"There should be acceptable and workable provisions to ensure the effectiveness of the treaty"

In the view of the Brazilian Government, universality is a prerequisite for the effectiveness of the treaty. As far as participation is concerned, we must not lose sight of the fact that the proposed non-proliferation treaty is to be signed by nuclear and non-nuclear-weapon Powers. Among the five existing nuclear Powers, two are not likely to become signatories; among the non-nuclear-weapon Powers, the draft requires ratification by as few as forty States, or one-third of the whole membership of the United Nations, as a condition for its entry into force. Under those circumstances it appears that the proposed number of ratifying States falls very short of what could be considered a sign of universal adherence to the treaty.

49. Now we come to the last guiding principle, principle (e), which states:

"Nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories"

(Mr. de Araujo Castro, Brazil)

My delegation welcomes the acknowledgement, in the operative part of the draft, of the existence of regional treaties aimed at ensuring the absence of nuclear weapons from the territories of nations which are parties to such agreements, as is the case in Latin America. It would, however, be much more satisfactory to us, and to other Latin-American countries, if the draft specifically recognized the rights and obligations entered into by nations which have already concluded regional treaties of that kind.

50. In that regard we would again draw the attention of this Committee to the fact that the draft goes far beyond the general guiding principles, which do not mention nuclear explosive devices for peaceful purposes but aim specifically at ensuring "the total absence of nuclear weapons". In that connexion the Eighteen-Nation Disarmament Committee cannot ignore the existence and the implications of the Treaty for the Prohibition of Nuclear Weapons in Latin America (ENDC/186), which was welcomed with special satisfaction by the United Nations General Assembly in its resolution 2286 (XXII) (ENDC/210).

51. We have tried to point out some of the discrepancies between the revised draft and the principles set forth by the General Assembly as guidance and orientation for our proceedings. Fortunately, we know that the revised text agreed upon by our co-Chairmen in private bilateral meetings and negotiations, without the assistance and participation of all the members of the Eighteen-Nation Disarmament Committee, has been presented to us, as was pertinently stressed in a timely statement by the representative of the United States, not on a "take-it-or-leave-it" basis (ENDC/PV.357, para.41) but as "a recommendation for discussion and negotiation in this Committee and for the consideration of all governments." (ibid., para.43). We welcome such a constructive attitude, and we understand the expression "all governments" as referring not only to the Governments of the States members of this Committee but to the governments of all States which will be called upon to assume obligations under the proposed treaty. It is obvious that States non-members of the Committee should not be taken for granted, and that they should be given free and unhampered opportunity to state their views on a matter affecting their destinies.

52. It is on the assumption that we are in the initial stages of a new round of negotiations in the Eighteen-Nation Disarmament Committee that we shall further state some views on several points of the treaty. A full account of such negotiations will

(Mr. de Araujo Castro, Brazil)

be submitted to the United Nations General Assembly, together with the pertinent documents and records, after the Committee has given "all due consideration to all proposals submitted to the Committee and to the views expressed by Member States during the twenty-second session of the General Assembly", as specifically requested by resolution 2346A (XXII) (ENDC/210).

53. Brazil, for its part, does not consider that its essential suggestions and proposals embodied in document ENDC/201/Rev.2 have been satisfied by the new revised identical texts submitted by the delegations of the United States and the Soviet Union. Nor do we estimate that they were fully considered and taken into account in the negotiations preceding the presentation of the revised drafts. We are not prepared to renounce our essential points of view, such as the one relating to the necessity of ensuring --

"... the inalienable right of all the Parties to the Treaty to develop, alone or in co-operation with other States, research, production and use of nuclear energy for peaceful purposes, including nuclear explosive devices for civil uses, without discrimination" (ENDC/201/Rev.2, art.IV)

On that point the position of the Brazilian Government is very clear, straightforward and firm. It has been reiterated on several occasions before the Eighteen-Nation Disarmament Committee and the United Nations General Assembly and it was emphasized three days ago by Mr. Magalhães Pinto, Minister of External Relations of Brazil, before the nations represented at the second session of the United Nations Conference on Trade and Development.

54. In that connexion I should like to recall the words of President Costa e Silva in a major speech delivered shortly after taking office, in which the directives for Brazilian foreign policy were established:

"We repudiate nuclear armament and we are aware of the serious risks that the dissemination of nuclear weapons would bring upon mankind. It is imperative, however, that no actual or potential hindrances prejudice the full utilization by our countries of nuclear energy for peaceful purposes. Otherwise, we would be accepting a new form of dependence which is certainly inconsistent with our aspirations for development."

At this stage we wish to reserve our right to proceed to an adaptation of the amendments embodied in document ENDC/201/Rev.2 to the text of the new draft treaty and to submit other amendments, proposals and suggestions relating to points raised by the new formulation.

(Mr. de Araujo Castro, Brazil)

55. As we see it, the new draft has settled some problems but unfortunately it has given rise to new difficulties, among which I will mention the one relating to the not altogether harmonious interpretations that are being imparted to the all-important article III, dealing with the question of control and verification.

56. As far as international peaceful co-operation in the nuclear field is concerned, the provisions of articles IV and V of the new draft amount to the institutionalization of the division of the world into two categories of nations: on the one hand, those which will have the monopoly of the technology of nuclear explosives for warlike and for peaceful purposes and, on the other hand, those which will be technologically dependent for a minimum initial period of twenty-five years. Despite the offer embodied in the draft treaty of the availability of the benefits from peaceful applications of nuclear explosions, the institutionalization of a status of dependence would be tantamount to freezing in non-nuclear weapon nations all technological development that might be connected, even remotely, with the specific technology of nuclear explosive devices intended for civil use. Moreover, the technological freeze imposed on non-nuclear-weapon nations would last for a minimum initial period envisaged as a quarter of a century, regardless of any technological breakthrough that might occur during all those years. We are aware of the amazing speed with which new and revolutionary discoveries are being made in this field; suffice it to say that twenty-five years ago, in 1943, the atomic bomb was not yet in existence.

57. My delegation thinks it appropriate to recall a recent statement made by Mr. Willy Spühler in the National Council of Switzerland:

(continued in French)

"A viable draft treaty, that is to say, one to which the majority of States could accede, will be forthcoming only if it does not restrict the use of atomic energy for peaceful purposes".

(continued in English)

58. I hope I shall be allowed to come now to a rather technical observation related to article X, which includes among the requirements for withdrawal a notice containing a statement of reasons addressed to the United Nations Security Council. It may be pertinent to point out that the Charter of the United Nations entrusts the Security Council with functions specifically related to the maintenance of world peace and security and not with those of participating in the mechanism of withdrawal from any treaty. Moreover, among the members of the Security Council there may be some which

(Mr. de Araujo Castro, Brazil)

will not be parties to the treaty, as will probably be the case with one of the permanent members. A country having decided to withdraw from the treaty might thus be placed, at least theoretically, in the strange situation of stating the reasons justifying its decision before a body composed of States a certain number of which are not parties to the non-proliferation treaty. With regard to the withdrawal provisions, my delegation maintains that the reference to circumstances prompting a State to withdraw from the treaty should be extended to include circumstances which "may arise" and may affect the supreme interests of the country concerned.

59. Those are some of the preliminary observations my delegation wished to advance today, in a most constructive manner, for the consideration of the Eighteen-Nation Committee on Disarmament. We are determined to keep our minds open to any suggestion, any idea, any proposal likely to help in concluding a treaty on non-proliferation consistent with the principles set forth in resolution 2028 (XX). We do not believe that a "yes or no" approach is a sound basis for negotiation between sovereign and equally responsible nations on matters affecting so deeply their future, their progress and their development.

60. We are bound to negotiate a treaty which will prove acceptable both to our Governments and to the peoples represented in our parliaments and, furthermore, a treaty which will be a lever for international peace and security and will embody, to use the very words of the Charter: "conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

The Conference decided to issue the following communique:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 363rd plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Afework Zelleke, representative of Ethiopia.

"Statements were made by the representatives of Sweden and Brazil.

"The delegation of Sweden tabled a working paper with suggestions in regard to the draft treaty on non-proliferation of nuclear weapons (ENDC/215).

"The next meeting of the Conference will be held on Tuesday, 13 February 1968, at 10.30 a.m."

The meeting rose at 11.55 a.m.